

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA**

IN THE MATTER OF)	
COURT HOURS FOR CERTAIN)	ADMINISTRATIVE ORDER
JUSTICE OF THE PEACE COURTS)	NO. 95-033
_____)	

The Justice of the Peace courts are constitutionally a part of the Judicial Branch of government. Justices of the Peace are not officers of the county. See ARS § 11-401. Since they are not county officers, they are not subject to the provisions of ARS § 11-413 or § 11-413.01. They are not part of the Superior Court and therefore are not subject to the provisions of ARS § 12-127 nor state offices and subject to ARS § 38-401. The hours of court operations are therefore subject to the administrative responsibilities of the Presiding Judge.

Many of the courts are presently understaffed according to the PEP Study as of the beginning of this fiscal year. Many courts are experiencing significant increases in filings, placing growing burdens on staff to process cases.

Justice Court Administration has previously obtained temporary help for purposes of inputting data for old cases. It has been necessary, however, to use these temporary employees to fill in for staff vacancies in various courts. Present vacancies are in the process of being approved for the process of being filled. Realistically, it will be mid to late May before these positions are filled and the new employees trained. No other staff assistance is available.

Increases in filing are not a subject over which the Judicial Branch has control. The Judicial Branch can only process matters after they are filed. For the Judicial Branch to request law enforcement or the County Attorney not to file matters or to file in a different Justice Court precinct would be absolutely inappropriate as an invasion by the Judicial Branch into the exclusive discretion of the Executive Branch.

A present, common problem for many Justice Courts is getting and staying current with present case processing. Justice Court Administration has provided assistance to the best of its present ability. The Justice Court Administrator has consulted with each of the judges in each of the below precincts and with the Presiding Justice of the Peace. The Justice Court Administrator has also consulted with the Presiding Judge of Maricopa County.

The Presiding Judge, based upon the result of all the foregoing, concludes that allowing the late opening of these specific justice courts while staff are working normal hours is appropriate and that less drastic alternatives are not at this

time available in the short time between the present date and the end of this fiscal year which as of this date is fifty-two (52) court days. The exigent circumstance, the time of year, and the short time involved lead to the conclusion that there are no reasonable alternatives to providing short-term assistance to the following courts.

Accordingly, it is

ORDERED as to Glendale, Northeast Phoenix, Maryvale, East Phoenix #1, East Phoenix #2, South Phoenix, West Phoenix, Central Phoenix, and Wickenburg Justice Courts:

1. The Justice of the Peace and staff shall be present in each court at least from 8:00 a.m. to 5:00 p.m. each Monday through Friday to process the cases filed with that court.
2. Upon consultation with staff, the Justice Court Administrator, and the Presiding Justice of the Peace, each Justice of the Peace in these justice courts is authorized to declare that until June 30, 1995, no judicial proceeding, including requests for orders of protection or injunctions against harassment, shall be scheduled to begin nor shall they begin before 9:00 a.m. each court day Monday through Friday or any lesser number of those days.
3. Judicial proceedings shall be scheduled to begin no sooner than 9:00 a.m. each Monday through Friday or any lesser number of days in each court which makes the election authorized in the preceding paragraph, and the public access doors to the court shall open at 9:00 a.m. on those days.

ORDERED this administrative order shall be effective as of April 19, 1995 and shall terminate on June 30, 1995.

DONE on April 19, 1995.

C. Kimball Rose, Presiding Judge

Original: Filed with the Clerk of the Superior Court

cc: Richard Ortiz, Justice Court Administrator
(for distribution to all JP's)